



April 19, 2019

Michael F. Kagay  
Shawnee District Attorney  
200 SE 7<sup>th</sup> Street  
Room 214  
Topeka, KS 66603-3971

Dear Sir:

During the Kansas 911 Coordinating Council ("Council") meeting October 9, 2017, Newton, Kansas, a motion to move to executive session was made and the Council did so in order to address potential litigation of an existing Memorandum of Agreement (MOA). Furthermore, our legal counsel was not present at this meeting.

It was later brought to the attention of the Council that the motion to move to executive session may have lacked the proper wording and details. Through Kansas Open Meetings Act (KOMA) training that the Council received on August 10, 2018, and guidance from legal counsel, the Council now understands that motions for executive session must include specific reference to all required elements as provided for by K.S.A. 75-4319.

After discussion with our then legal counsel, Cheryl Whelan, Office of Attorney General, we decided to self-report the error of the Council to your office. Cheryl Whelan advised the Council that she would formally report the error to your office. Our understanding is that Cheryl Whelan contacted you by phone but failed to provide a statement in writing.

The Office of Attorney General has terminated legal support of the Council. Therefore, since the Council does not have legal counsel, as the Chairman of the Coordinating Council, I am now self-reporting to you in writing on behalf of the Council. During the Council meeting, October 9, 2017, the Council failed to have legal counsel present during the executive session, and the motion to convene executive session failed to include:

- a valid statement of justification for open-meeting closure
- specify the exact time the executive session began
- specify the exact time and place the Council open meeting would resume.

The Council is currently seeking replacement legal representation through a Request for Proposal (RFP). The Council will endeavor not to repeat such errors in the future.

If you have any questions, please contact me or Scott Ekberg [scott.ekberg@kansas911.org](mailto:scott.ekberg@kansas911.org).

Sincerely,

A handwritten signature in black ink, appearing to read "Dick Heitschmidt".

Chief (RET) Dick Heitschmidt, Chair  
Kansas 911 Coordinating Council  
[dick.heitschmidt@kansas911.org](mailto:dick.heitschmidt@kansas911.org)